

CITY OF MILPITAS

CANDIDATE GUIDELINES



GENERAL MUNICIPAL ELECTION

TUESDAY, NOVEMBER 2, 2004

*Office of the City Clerk
455 E. Calaveras Blvd.
Milpitas, CA 95035
(408) 586-3001
gblalock@ci.milpitas.ca.gov*

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1. ELIGIBILITY

In order to be eligible to hold office as Mayor or a Member of the Council, an individual must be a registered voter within the corporate City limits of Milpitas at the time nomination papers are issued for his or her candidacy.

2. OFFICES TO BE FILLED

Mayor, 2-year term	Compensation:	\$1,076.90 monthly
2 City Council seats, 4-year terms	Compensation:	\$ 861.30 monthly

3. NOMINATION PERIOD

Section 10220 - Elections Code

Monday, July 12, 2004, at 8:00 a.m., is the first day and time that Nomination Papers will be available at the City Clerk's Office, City Hall, 455 E. Calaveras Blvd., Milpitas, California.

Friday, August 6, 2004, at 5:00 p.m., will be the final day and time for filing any Nomination Papers.

EXTENSION IF INCUMBENT DOESN'T FILE

Section 10225-Elections Code

If Nomination Papers for an incumbent officer of the City are not filed by 5:00 p.m., on Friday, August 6, 2004, the Nomination Period will be extended until Wednesday, August 11, 2004, at 5:00 p.m., for any individual except an incumbent.

NOTE: City offices are open from 8:00 a.m. to 5:00 p.m.,
Monday through Friday, excluding holidays.
It is best to call the City Clerk for an appointment.

4. OFFICIAL FILING PETITION

Section 10226 - Elections Code

This petition is very important and should be handled very carefully.

The first step you should take in completing your petition is to decide if you will personally be the circulator or if someone will circulate it for you. Remember, whoever circulates the petition must personally witness each person's signature. Also remember, if you have someone else circulate the petition for you, he/she must be a registered voter in the City of Milpitas and must complete the "Certificate of Circulators" on the back of the nomination paper as he/she is registered.

The second step is to obtain the signatures. You will notice that the petition has 30 spaces for signatures. Although only 20 signatures are required, it is advisable to obtain 30. This will give you 10 extra signatures in case some of the first 20 signatures do not qualify. Signatures qualify if they are from registered voters of the City of Milpitas. A voter may sign one petition for each office on the ballot. (Signature and the residence address must match the information on the voter's registration card or affidavit on file at the Santa Clara County Registrar of Voters Office.)

5. AFFIDAVIT OF NOMINEE AND CANDIDATE'S OATH OF ALLEGIANCE

Section 200 - Elections Code

On the back of the Nomination Paper, there are two sections to be completed (these have been combined into one form).

- (1) Affidavit of Nominee: This section is a declaration stating that the candidate will accept the nomination and the office in the event of his/her election. In addition, the candidate must state his/her ballot designation. (Please see guidelines on "Ballot Designations" below.)
- (2) Candidate's Oath or Affirmative of Allegiance: This portion must be completed in the presence of the City Clerk or Deputy City Clerk at the time the candidate files the Nomination Papers.

6. FILING OF NOMINATION PAPERS

Section 10224, 10225 – Elections Code

FILE EARLY!!!
Allow time to correct
any deficiencies if needed

Once you have obtained all your signatures, you must file the Nomination Papers with the City Clerk. Please note that the Nomination Paper and Candidate Statement must be filed at the same time. The Statement of Economic Interest must be filed by the close of the nomination period.

August 6, 2004, is the last date a candidate may withdraw his or her nomination papers after it is filed.

Filing: All Nomination Papers shall be filed with the City Clerk during regular business hours, 8:00 a.m. - 5:00 p.m., Monday through Friday, but not later than 5:00 p.m. on August 6, 2004. If an incumbent does not file, the close of the nomination period will be extended to 5:00 p.m. on Wednesday, August 11, 2004.

7. BALLOT DESIGNATIONS

Section 13107 – Elections Code

A Ballot Designation Worksheet is included to assist you.

Immediately under the name of each candidate, and not separated from the name by any line, may appear, at the option of the candidate, only one of the following designations:

- (1) Words designating the elective city, county, district, state, or federal office which the candidate holds at the time of filing of the Nomination Papers to which he/she was elected by vote of the people.
- (2) The word “incumbent” if the candidate is a candidate for the same office which he/she holds at the time of filing the Nomination Papers and was elected to that office by a vote of the people.
- (3) No more than three words designating either the current principal professions, vocations, or occupations of the candidate.
- (4) The phrase “appointed incumbent” if the candidate holds an office other than a judicial office by virtue of appointment and the candidate is a candidate for election to the same office, or, if the candidate is a candidate for election to the same office or to some other office, the word “appointed” and the title of the office. In either instance, the candidate may not use the unmodified word “incumbent” or any words designating the office unmodified by the word “appointed.”

No election official shall accept a designation which:

- (1) Would mislead the voters.
- (2) Would suggest an evaluation of a candidate such as outstanding, leading, expert, virtuous, or eminent.
- (3) Abbreviates the word “retired” or places it following any word or words which it modifies.
- (4) Uses the word or prefix such as “former” or “ex-,” which means a prior status. The only exception is the use of the word “retired.”
- (5) Uses the name of any political party, whether or not it has qualified for the ballot.
- (6) Uses a word or words referring to a racial, religious, or ethnic group.

- (7) Refers to any activity which actively is prohibited by law.

If upon checking the Nomination Papers the election official finds the designation to be in violation of any of the restrictions set forth in this subdivision, the election official shall notify the candidate by registered mail, return receipt requested. The candidate shall, within three days from the date of receipt of the notice, appear before the election officer and provide an alternate designation.

In the event the candidate fails to provide an alternate designation, no designation shall appear after the candidate's name.

No designation given by a candidate shall be changed by the candidate after the final date for filing Nomination Papers except as specifically requested by the election official under circumstances theretofore set forth.

8. PLACEMENT OF NAMES ON BALLOT

Section 13112 – Elections Code

The Secretary of State will make a random drawing of letters of the alphabet following the close of nominations (August 12, 2004). Candidates' names will be placed on the ballot by their surnames in the order determined by this drawing.

9. CANDIDATE'S STATEMENT OF QUALIFICATIONS

Section 13307 – Elections Code

A Candidate's Statement may be filed by the candidate, if he/she so desires, for distribution to each voter with the sample ballot. Such Statement must be filed with the candidate's Nomination Paper and may be **WITHDRAW, BUT NOT CHANGED**, by the candidate after it is filed at any time before 5:00 p.m. of the next working day after the close of the Nomination period. A statement may **NOT** be resubmitted after it is withdrawn.

The Candidate's Statement may contain the candidate's **NAME, AGE, and OCCUPATION** plus a brief description of the candidate's **EDUCATION and QUALIFICATIONS** in not more than 200 words expressed by the candidate himself/herself.

You are requested to type your statement on the form provided or include it as an attachment to the form. Statements will be printed exactly as submitted; candidates are strongly advised to carefully check their statements for errors in spelling, punctuation, and grammar. The statement will be printed in block paragraph format in the sample ballot. Please pay attention to the following:

- A 200-word statement has a maximum of 24 lines. A blank line must separate each paragraph from the next and is counted in the line maximum.
- Each line has a limit of 72 characters, including punctuation and spaces.
- **NO CAPITAL, underlining, bold face, italic** or bullets will be permitted.
- Type statement in a fixed size font, such as Courier New, to help ensure you do not exceed the limit of 72 characters in a line.

Please see the "Candidate's Statement Guidelines" provided with this material for **important** additional information to be used in completing your Statement.

The Candidate's Statement will be printed in the voters pamphlet and mailed to each registered voter. In addition, Chinese, Vietnamese, Spanish and Tagalog translations will be prepared for each statement. The **COST** for printing, mailing and translating, this Statement is the responsibility of the Candidate. A deposit in the amount of **\$1,790** will be required at the time the Statement is filed.

10. WORD COUNT STANDARD FOR CANDIDATE'S STATEMENT

Section 9 – Elections Code

- (1) Punctuation is not counted.
- (2) Each word shall be counted as one word except as specified in this section.
- (3) All geographical names shall be considered as one word; for example, "City and County of San Francisco" shall be counted as one word.
- (4) Each abbreviation of a word, phrase, or expression shall be counted as one word.
- (5) Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.
- (6) Dates consisting of a combination of words and digits shall be counted as two words. Dates consisting only of a combination of digits shall be counted as one word. (June 2, 2002 = 2 words; 06/02/02 = one word).
- (7) Any number consisting of a digit or digits shall be considered as one word. Any number which is spelled, such as "one," shall be considered as a separate word or words. "One" shall be counted as one word whereas "One hundred" shall be counted as two words. "100" shall be counted as one word. (Refer to "Rules for Counting Words" guidelines included with this manual.)
- (8) Characters used in place of word or number (& or # = one word)
- (9) Telephone numbers shall be counted as one word.
- (10) Internet web site addresses shall be counted as one word.

**11. POLITICAL REFORM ACT OF 1974:
FAIR POLITICAL PRACTICES COMMISSION (FPPC)**

www.fppc.ca.gov

FILING REQUIREMENTS

The Fair Political Practices Commission (FPPC) mandates the filing requirements for candidates. Included is the Information Manual on Campaign Disclosure Provisions of the Political Reform Act. This manual provides detailed information to assist both the candidate and his/her treasurer.

A. Statement of Economic Interest (Form 700)

When you file your Nomination Papers, you will be required to complete a Statement of Economic Interests (Form 700 Candidate Statement) by the close of the nomination period. Form 700 is included in your Candidate's Manual. All 700 forms for any city office are filed with the City Clerk and are forwarded to the Fair Political Practices Commission in accordance with the Political Reform Act of 1974. These forms are public documents.

B. Candidate Intention (Form 501)

State and local candidates and officeholders who intend to raise or spend campaign funds must file Form 501 (Candidate Intention) before soliciting or receiving any contributions (including loans). Such candidates and officeholders also must establish a campaign account at a financial institution in California within 10 days of opening the account. The Form 501 should be mailed or delivered to the City Clerk. Please refer to the Information Manual on Campaign Disclosure Provisions for instructions on completing forms.

EXCEPTION: Form 501 is not required if a candidate does not receive contributions from other persons and the only expenditures made will be the candidate's personal funds for a statement of qualifications that will appear in the sample ballot pamphlet.

C. Statement of Organization (Form 410)

Form 410 must be filed by all candidates and "recipient committees" which have received \$1,000 or more in contributions (including the candidate's personal funds) during a calendar year. Form 410 is also used to disclose campaign bank account information referred to in "B" above.

The Form 410 must be filed with the Secretary of State within 10 days of receiving \$1,000 in contributions. The Secretary of State will issue an identification number to the committee. The identification number is to be included on all campaign disclosure forms.

If any of the information on a Statement of Organization changes, the committee must file an amendment to the Statement within 10 days of the change. If a committee amends its Statement of Organization, to identify a new treasurer for example, it need only provide that information on another Form 410 sent to the Secretary of State, including its name and previously issued identification number in the appropriate box on the front page, with the box "Amendment" checked on the top of the Form 410. Detailed instructions for completing the Form 410 are provided in the Information Manual on Campaign Disclosure Provisions.

There are special requirements for committees which qualify (i.e., receive \$1,000) during the 16 days prior to an election in which the committee would otherwise be required to file pre-election statements and for committees which must amend certain information contained on a Statement of Organization during the 16 days before an election.

D. Pre-Election Campaign Statements (Forms 470 and 460)

ALL CAMPAIGN DISCLOSURE STATEMENTS ARE FILED WITH THE CITY CLERK.

The Fair Political Practices Commission also requires all candidates to file campaign statements prior to election. The first statement is due on Tuesday, October 5, 2004, and covers the period of January 1, 2004, through September 30, 2004. The second pre-election statement is due Thursday, October 21, 2004, and covers the period of October 1, 2004 to October 16, 2004. The necessary forms are available at the City Clerk's Office and copies are also included in your manual.

Form 470 may be filed with a declaration of candidacy, but must be filed no later than the filing deadline for the first pre-election statement due before the election. Incumbent officeholders with an election during the last half of the calendar year must file no later than July 31. No additional campaign statements need to be filed for the remainder of the year as long as total receipts and total expenditures remain less than \$1,000.

Form 460 is used by candidates receiving or spending more than \$1,000.

These Statements must be filed in the City Clerk's Office no later than 5:00 p.m. on the due date.

Penalties may be imposed on late filings.

E. Late Contributions (Form 497)

A late contribution is a monetary or non-monetary contribution, including a loan, or a combination of monetary and non-monetary contributions and loans, that:

- Aggregates to \$1,000 or more from a single source that is made to or received by a candidate, a controlled committee, or a committee formed to support or oppose a candidate or measure; and
- Is made or received during the 16 days immediately preceding the election in which the recipient candidate or measure is to be voted on. (Gov. Code Section 82036.)

A late contribution **includes contributions or loans from a candidate to his/her campaign committee** during the late contribution period. Because Milpitas has a contribution limit of \$350 per entity, Form 497 would only be used if the candidate contributes or loans his/her committee \$1,000 or more during the 16 days immediately preceding the election.

A late Contribution Report must be sent via telegram, mailgram, guaranteed overnight delivery service, fax, or personal delivery. **Regular mail may not be used.** The Report must be filed **within 24 hours** of the time the contribution was made. The recipient must also file a Report **within 24 hours** of receiving the late contribution. The Report must be filed at the City Clerk's Office, City Hall, 455 E. Calaveras Blvd., Milpitas, California.

If a 470 filer receives \$1,000 or more in a calendar year, he/she must notify opposing candidates, Secretary of State, and local filing officers within 48 hours. Late Contribution Report Form 497 is available through the City Clerk's Office (and a copy included in this Manual).

F. Future Filings

Future filings will depend on your success in this election and if you retain your committee status. The City Clerk will notify you of future filing dates.

G. Milpitas Contribution Limits

The City of Milpitas Contribution Ordinance limits contributions to \$350.00 per candidate per election. A copy of the ordinance is included in the Election Manual.

H. Important Information about Record Keeping

It is extremely important to keep a complete and accurate record of campaign receipts and expenditures. This is essential to the filing of campaign statements required by the Political Reform Act. Although it is not required that contributions of under \$25 be disclosed, candidates should try to know the origin of all contributions to ensure individuals do not make small donations that aggregate to \$25 or more. Further, the California Franchise Tax Board is authorized to conduct audits of local candidates that their committees.

It is the candidate's responsibility to carefully review the campaign statements prepared by the committee treasurer, and, if necessary, take steps to replace the treasurer or improve the treasurer's performance if the candidate knows or has reason to believe the treasurer is not performing up to the required standard. Both the candidate and the treasurer must verify that the statement is true and sign the statement under penalty of perjury. A statement is not considered filed if it is not signed by both the candidate and treasurer.

The State Campaign Disclosure manuals provide specific instructions and examples to assure record keeping complies with FPPC regulations. These examples address the most common transactions occurring in a campaign and will assist in keeping adequate records.

12. POLITICAL SIGNS

Political signs are a traditional means of expression. A copy of the City's Political Sign regulations is included in your manual. If you have any questions about political signs, please feel free to call and speak with the City's Code Enforcement staff at 586-3074. The main purpose of the City's sign ordinance is to allow freedom of expression while preserving the public safety.

13. MASS MAILING REQUIREMENTS

The Political Reform Act specifies that a candidate or committee which sends a mass mailing (200 or more identical or nearly identical pieces of mail in a calendar month) must identify itself on the mailer. (Government Code Section 84305). The Elections Code requires that city and county clerks or election officials provide a copy of Government Code Section 84305 to each candidate, or his/her agent, at the time that a declaration of candidacy is filed. A copy of Section 84305 is provided.

14. VOTER REGISTRATION DEADLINE

Section 2107 – Elections Code

The last day to register to vote for this election is Monday, October 18, 2004. Registration forms are available at the Registrar of Voters, City fire stations, and City Hall.

15. INFORMATION REQUESTS

Candidates are requested to direct requests for information about the City to the City Clerk's Office at 586-3001 or the City Manager's Office at 586-3051.

16. REGISTRAR OF VOTERS INFORMATION

Included in your candidate's packet is a copy of the Santa Clara County Registrar of Voters Fee Schedule. This schedule states what information is available and the cost of that information. The telephone number for the Registrar of Voters is 408-299-VOTE (8683).

17. ASSUMING OFFICE

Newly elected Council Members will take office on December 7, 2004, at 7:00 p.m. The swearing in ceremony may be followed by a reception with light refreshments.

18. THE BROWN ACT

Candidates who have been elected but are not yet sworn in are subject to the Brown Act (Open Meeting Law). This means that they should avoid meetings or serial communications with current members of the body and/or other members-elect until they have been briefed on the law by the City Attorney.

19. MILPITAS ETHICS CODE

The City Council has adopted a Code of Ethics and Behavioral Standards for all candidates, elected and appointed public officials, and senior staff members. A copy of the Ethics Code is included in the Candidate's Manual. A training session for candidates on the Ethics Code is scheduled for August 19, 2004, at 7:00 p.m. More information will be provided as candidates return nomination papers.

**Questions regarding any of the above
information should be directed to the City Clerk.**